



10 SEP 2002

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In re Application of :  
Hippe et al. :  
Application No.: 09/914,326 :  
Int. App. No.: PCT/EP00/01998 : DECISION  
Int. Filing Date: 08 March 2000 :  
Priority Date: 09 March 1999 :  
Atty. Docket No.: PS-13256 :  
For: Method Of Hot-Repairing The Heating :  
Flues Of A Coke-Oven Battery And :  
Device For Carrying Out Said Method :

This decision is in response to the "Petition For Correction Of Filing Date" filed on 01 April 2002.

### **BACKGROUND**

This international application was filed on 08 March 2000, and claimed priority of an earlier application filed on 09 March 1999. The United States was designated. A copy of the published international application was transmitted to the USPTO on 14 September 2000. A Demand electing the United States was filed on 23 September 2000, which was prior to the elapse of 19 months from the priority date. Accordingly, the period to pay the basic national fee in the United States expired on 09 September 2001.

On 23 August 2001, applicants filed, *inter alia*, the basic national fee.

On 14 March 2002, after further proceedings, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating that this application was entitled to a date of 14 January 2002 under 35 U.S.C. 371. The Form further indicated that "The Date Appearing On The Filing Receipt As The "Filing Date" Is The Date On Which The Last Of The 35 U.S.C. 371 Requirements Has Been Received In The Office. This Date Is Shown Above."

Applicants filed the instant "Response... on 01 April 2002.

### **DISCUSSION**

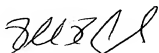
Review of the record, including counsel's arguments and the filing receipt, reveals that the "Filing Date" shown on the filing receipt is 14 January 2002, which is the same as the date of this application under 35 U.S.C. 371 as indicated on the

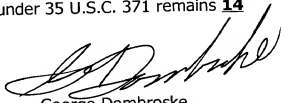
Notification of Acceptance. As noted on the Notification of Acceptance, the "Filing Date" recorded on the filing receipt of an application under 35 U.S.C. 371 is the date that the requirements of 35 U.S.C. 371 were satisfied, rather than the international filing date (*But See* 35 U.S.C. 363) and rather than the date of filing of papers to enter the national stage in the United States.

**DECISION**

Applicants' request is **DISMISSED**, without prejudice.

This application is being returned to the National Stage Processing Branch for further processing.. The date of this application under 35 U.S.C. 371 remains **14 January 2004**

  
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